

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Alphonso Tucker,)	
)	C/A No. 0:15-2798-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Nancy A. Berryhill, Acting Commissioner)	
of Social Security,)	
)	
Defendant.)	
_____)	

Plaintiff Alphonso Tucker, proceeding pro se and in forma pauperis, filed a complaint on July 16, 2015, seeking judicial review of a final decision of Defendant Acting Commissioner of Social Security denying Plaintiff's claims for disability insurance benefits and retroactive supplemental security income benefits. By order filed November 15, 2016, the court dismissed the case for lack of subject matter jurisdiction. Plaintiff filed a notice of appeal on December 2, 2016. On June 27, 2017, the Court of Appeals for the Fourth Circuit remanded the case with instructions to enter a final judgment reversing the decision of the Administrative Law Judge (ALJ) and remanding the case to the Commissioner for further administrative proceedings on the issue of res judicata. Accordingly,

The judgment entered November 15, 2016, is **vacated**. The decision of the ALJ is reversed, and the case is remanded to the Commissioner for further administrative proceedings on the issue of res judicata.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina
August 9, 2017